

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

03-CA-285388

Date Filed

11/1/2021

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Ithaca Beer Co.		b. Tel. No. (607) 273-0766
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 122 Ithaca Beer Drive, Ithaca, NY 14850	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail
		h. Number of workers employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Brewery	j. Identify principal product or service Beer	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or after (b) (6), (b) (7)(C) charging party suffered adverse action tied to involvement in protected, concerted activity with co-workers in violation of Section 7.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

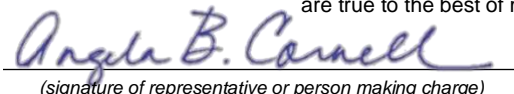
4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.


(signature of representative or person making charge)

Angela B. Cornell, Labor Law Clinic

(Print/type name and title or office, if any)

Address Cornell Law School

Date Oct 29, 2021

Tel. No.
(607) 255-7497Office, if any, Cell No.
(607) 339-1903Fax No.
(607) 255-8887e-mail
abc49@cornell.edu**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972



Download
NLRB
Mobile App

November 1, 2021

(b) (6), (b) (7)(C)

Re: Ithaca Beer Co.
Case 03-CA-285388

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on November 01, 2021 has been docketed as case number 03-CA-285388. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner THOMAS A. MILLER whose telephone number is (716)398-7004. If this Board agent is not available, you may contact Regional Attorney LINDA M. LESLIE whose telephone number is (716)398-7017.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

November 1, 2021

Very truly yours,

A handwritten signature in dark ink, appearing to read "Nancy Wilson". The signature is fluid and cursive, with the first name "Nancy" written in a larger, more prominent script than the last name "Wilson".

NANCY WILSON
Acting Regional Director

cc: Angela B. Cornell, Clinical Professor of
Law
Cornell Labor Law Clinic
Cornell University Labor Law Clinic
Myron Taylor Hall
Ithaca, NY 14853



UNITED STATES GOVERNMENT
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November 1, 2021

(b) (6), (b) (7)(C)

Ithaca Beer Co.
122 Ithaca Beer Drive
Ithaca, NY 14850

Re: Ithaca Beer Co.
Case 03-CA-285388

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner THOMAS A. MILLER whose telephone number is (716)398-7004. If this Board agent is not available, you may contact Regional Attorney LINDA M. LESLIE whose telephone number is (716)398-7017.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Nancy Wilson", is centered below the closing. The signature is fluid and cursive.

NANCY WILSON
Acting Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 03-CA-285388
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
--	--

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ITHACA BEER CO.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 03-CA-285388

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on November 1, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Ithaca Beer Co.
122 Ithaca Beer Drive
Ithaca, NY 14850

November 1, 2021

Date

LOUIS F. PORTO, Designated Agent of
NLRB

Name

/s/LOUIS F. PORTO

Signature

Please Review the Following
Important Information
Before Filling Out a Charge Form!

- Please call an Information Officer in the Regional Office nearest you for assistance in filing a charge. The Information Officer will be happy to answer your questions about the charge form or to draft the charge on your behalf. Seeking assistance from an Information Officer may help you to avoid having the processing of your charge delayed or your charge dismissed because of mistakes made in completing the form.
- Please be advised that not every workplace action that you may view as unfair constitutes an unfair labor practice within the jurisdiction of the National Labor Relations Act (NLRA). Please click on the Help Desk button for more information on matters covered by the NLRA.
- The section of the charge form called, "Basis of Charge," seeks only a brief description of the alleged unfair labor practice. You should **NOT** include a detailed recounting of the evidence in support of the charge or a list of the names and telephone numbers of witnesses.
- After completing the charge form, be sure to sign and date the charge and mail or deliver the completed form to the appropriate Regional Office.
- A charge should be filed with the Regional Office which has jurisdiction over the geographic area of the United States where the unfair labor practice occurred. For example, an unfair labor practice charge alleging that an employer unlawfully discharged an employee would usually be filed with the Regional Office having jurisdiction over the worksite where the employee was employed prior to his/her discharge. An Information Officer will be pleased to assist you in locating the appropriate Regional Office in which to file your charge.
- The NLRB's Rules and Regulations state that it is the responsibility of the individual, employer or union filing a charge to timely and properly serve a copy of the charge on the person, employer or union against whom such charge is made.
- By statute, only charges filed and served within **six (6) months** of the date of the event or conduct, which is the subject of that charge, will be processed by the NLRB.

From: (b) (6), (b) (7)(C)@cornell.edu>
Sent: Wednesday, November 10, 2021 11:08 AM
To: Miller, Thomas A.
Cc: (b) (6), (b) (7)(C); Angela B. Cornell
Subject: Re: Ithaca Beer Co. (03-CA-285388 et al.)

Dear Tom,

That schedule works for us and the charging parties. We will get you the relevant documents as soon as possible.

Sincerely,

(b)

(6)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), Labor Law Clinic

(b) (6), (b) (7)(C), Cornell Law School 2023

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | (b) (6), (b) (7)(C)

The information contained in this email transmission and any attachments thereto are intended for use by only the addressee(s) and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email and any attachments or other communication of contents is strictly prohibited. If you have received this email in error, please immediately notify me at (607)255-7497 and permanently delete the original copy or printout.

On Nov 9, 2021, at 8:47 AM, Miller, Thomas A. <Thomas.Miller@nlrb.gov> wrote:

(b) (6), (b) (7)(C)

Thanks for reaching out. My preference is to schedule all four witnesses for (b) (6), (b) (7)(C)

Here are the proposed times for each witness (I estimate the affidavits will take approximately 60-90 minutes apiece, but there's some wiggle room if need be):

(b) (6), (b) (7)(C): 1:00 p.m.

(b) (6), (b) (7)(C): 9:00 a.m.

(b) (6), (b) (7)(C): 3:00 p.m.

(b) (6), (b) (7)(C): 11:00 a.m.

As for (b) (6), (b) (7)(C) charge, it is not an issue for that charge to be withdrawn. Thanks for letting me know and we'll process that today.

In order to have the affidavits proceed as smoothly as possible, I do need to have any relevant documents in hand when I talk to these witnesses. Relevant documents, based on my brief conversation with Angela, would include the policy or policies that the employees objected to, any termination notices and other documents you feel are relevant to the charge.

Thanks,

Tom Miller

(he/him/his)
Field Examiner
Region 3, National Labor Relations Board
Telephone: (716) 398-7004
Fax: (716) 551-4972

From: (b) (6), (b) (7)(C)
Sent: Monday, November 8, 2021 7:34 PM
To: Miller, Thomas A. <Thomas.Miller@nrlrb.gov>
Cc: ((b) (6), (b) (7)(C)) Angela B. Cornell <abc49@cornell.edu>
Subject: RE: Ithaca Beer Co. (03-CA-285388 et al.)

Dear Mr. Miller,

My name is (b) (6), (b) (7)(C), and I have cc'd my colleague (b) (6), (b) (7)(C). We are (b) (6), (b) (7)(C) in the Cornell Labor Law Clinic run by Professor Angela Cornell. We are reaching out on behalf of the team representing the charging parties regarding Ithaca Beer Co. (03-CA-285388 et al.).

Below are available dates/times for the parties to meet with you. Please let us know how you would like to schedule the sessions and we will communicate the schedule to the parties.

(b) (6), (b) (7)(C)

- Wednesday, November 17: 12:30pm-3:30pm
- Thursday, November 18: 10:30am-3:30pm

(b) (6), (b) (7)(C)

- Tuesday, November 16: 9:00am-1:00pm; 2:30pm-5:00pm
- Wednesday, November 17: 9:00am-1:00pm
- Thursday, November 18: 12:30pm-5:00pm
- Friday, November 19: 12:30pm-5:00pm

(b) (6), (b) (7)(C)

- Wednesday, November 17: 12:30pm-5:00pm
- Thursday, November 18: 10:30am-5:00pm
- Friday, November 19: 9:00am-5:00pm

(b) (6), (b) (7)(C)

- Tuesday, November 16: 11:00am-3:00pm
- Wednesday, November 17: 11:00am-3:00pm
- Friday, November 19: 12:30pm-3:00pm

We will contact you with availability for the other parties as soon as we can.

Additionally, our team was working with several workers to get their charges filed before the Board before the lapse of any statute of limitations. We made our best effort to ensure that everyone had a valid claim, but due to the scheduling we had to work with, some miscommunications occurred. We will have to drop one of the charges we filed, on behalf of (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) told us three days ago that (b) (6), (b) (7)(C) voluntarily left Ithaca Beer Co. in (b) (6), (b) (7)(C) 2020 and never came back. (b) (6), (b) (7)(C) case is simply not applicable to our charges here, but perhaps (b) (6), (b) (7)(C) can be useful as a witness somewhere along the way. We apologize for any inconvenience this may cause.

Please let us know if you need anything else from us, and we look forward to speaking with you soon.

Sincerely,
(b) (6), (b) (7)(C)

—
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C), Labor Law Clinic
(b) (6), (b) (7)(C), Cornell Law School 2023
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) | (b) (6), (b) (7)(C)

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From: (b) (6), (b) (7)(C)
To: [Miller, Thomas A.](#)
Cc: (b) (6), (b) (7)(C); [Angela B. Cornell](#)
Subject: Re: Ithaca Beer Co. (03-CA-285388 et al.)
Date: Thursday, November 11, 2021 9:58:48 AM
Attachments: [Position Statement - Ithaca Beer Co..pdf](#)
[IBC Exhibits.pdf](#)

Hello Tom,

Attached is the position statement and the exhibits for the Charging Parties.

(b) (6), (b) (7)(C) has decided to withdraw (b) (6), (b) (7)(C) claim because of the time commitment involved. We are currently following up with (b) (6), (b) (7)(C) to get (b) (6), (b) (7)(C) affidavit scheduled.

As for the conference line, we will have different clinic members present for different parties' affidavits so we think it would be best to set up the conference line if that works for you. Below are the clinic representatives that will be present for each affidavit-

(b) (6), (b) (7)(C) : 1:00 p.m.
(b) (6), (b) (7)(C) : 9:00 a.m.
(b) (6), (b) (7)(C) : 3:00 p.m.
(b) (6), (b) (7)(C) : 11:00 a.m.

Thank you,
(b) (6), (b) (7)(C)

On Wed, Nov 10, 2021 at 1:37 PM Miller, Thomas A. <Thomas.Miller@nlrb.gov> wrote:

Thanks, (b) (6), (b) (7)(C). Please also let me know when the other (b) (6), (b) (7)(C) individuals whose charges were filed are available for affidavits. My schedule is pretty open next week at this point but it can fill up quickly.

Also, please let me know if you need me to set up a conference call line for (b) (6), (b) (7)(C). If the witnesses are going to be sharing a room with you (or (b) (6), (b) (7)(C) while they testify, it seems unnecessary, but I'm happy to do that if it's easier for all involved.

Thank you,

Tom Miller

(he/him/his)

Field Examiner

Region 3, National Labor Relations Board

Telephone: (716) 398-7004

Fax: (716) 551-4972

From: (b) (6), (b) (7)(C)
Sent: Wednesday, November 10, 2021 11:08 AM
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That schedule works for us and the charging parties. We will get you the relevant documents as soon as possible.

Sincerely,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), Labor Law Clinic
(b) (6), (b) (7)(C), Cornell Law School 2023
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

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On Nov 9, 2021, at 8:47 AM, Miller, Thomas A. <Thomas.Miller@nlrb.gov> wrote:

(b) (6), (b) (7)(C)

Thanks for reaching out. My preference is to schedule all four witnesses for (b) (6), (b) (7)(C). Here are the proposed times for each witness (I estimate the affidavits will take approximately 60-90 minutes apiece, but there's some wiggle room if need be):

(b) (6), (b) (7)(C): 1:00 p.m.

(b) (6), (b) (7)(C): 9:00 a.m.

(b) (6), (b) (7)(C): 3:00 p.m.

(b) (6), (b) (7)(C): 11:00 a.m.

As for (b) (6), (b) (7)(C) charge, it is not an issue for that charge to be withdrawn. Thanks for letting me know and we'll process that today.

In order to have the affidavits proceed as smoothly as possible, I do need to have any relevant documents in hand when I talk to these witnesses. Relevant documents, based on my brief conversation with Angela, would include the policy or policies that the employees objected to, any termination notices and other documents you feel are relevant to the charge.

Thanks,

Tom Miller

(he/him/his)

Field Examiner

Region 3, National Labor Relations Board

Telephone: (716) 398-7004

Fax: (716) 551-4972

From: (b) (6), (b) (7)(C)
Sent: Monday, November 8, 2021 7:34 PM
To: Miller, Thomas A. <Thomas.Miller@nlrb.gov>
Cc: (b) (6), (b) (7)(C) Angela B. Cornell
<abc49@cornell.edu>
Subject: RE: Ithaca Beer Co. (03-CA-285388 et al.)

Dear Mr. Miller,

My name is (b) (6), (b) (7)(C), and I have cc'd my colleague (b) (6), (b) (7)(C). We are (b) (6), (b) (7)(C) in the Cornell Labor Law Clinic run by Professor Angela Cornell. We are reaching out on behalf of the team representing the charging parties regarding Ithaca Beer Co. (03-CA-285388 et al.).

Below are available dates/times for the parties to meet with you. Please let us know how you would like to schedule the sessions and we will communicate the schedule to the parties.

(b) (6), (b) (7)(C)

- Wednesday, November 17: 12:30pm-3:30pm
- Thursday, November 18: 10:30am-3:30pm

(b) (6), (b) (7)(C)

- Tuesday, November 16: 9:00am-1:00pm; 2:30pm-5:00pm
- Wednesday, November 17: 9:00am-1:00pm
- Thursday, November 18: 12:30pm-5:00pm
- Friday, November 19: 12:30pm-5:00pm

(b) (6), (b) (7)(C)

- Wednesday, November 17: 12:30pm-5:00pm

- Thursday, November 18: 10:30am-5:00pm
- Friday, November 19: 9:00am-5:00pm

(b) (6), (b) (7)(C)

- Tuesday, November 16: 11:00am-3:00pm
- Wednesday, November 17: 11:00am-3:00pm
- Friday, November 19: 12:30pm-3:00pm

We will contact you with availability for the other parties as soon as we can.

Additionally, our team was working with several workers to get their charges filed before the Board before the lapse of any statute of limitations. We made our best effort to ensure that everyone had a valid claim, but due to the scheduling we had to work with, some miscommunications occurred. We will have to drop one of the charges we filed, on behalf of (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) told us three days ago that (b) (6), (b) (7)(C) voluntarily left Ithaca Beer Co. in (b) (6), (b) (7)(C) 2020 and never came back. (b) (6), (b) (7)(C) case is simply not applicable to our charges here, but perhaps (b) (6), (b) (7)(C) can be useful as a witness somewhere along the way. We apologize for any inconvenience this may cause.

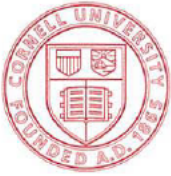
Please let us know if you need anything else from us, and we look forward to speaking with you soon.

Sincerely,
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), Labor Law Clinic
(b) (6), (b) (7)(C), Cornell Law School 2023
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

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Cornell University
Law School

Labor Law Clinic
Myron Taylor Hall
Ithaca, New York 14853-4901
t. 607.255.4196
f. 607.255.3269
abc49@cornell.edu

Via Electronic Mail: Thomas.Miller@nlrb.gov

November 10, 2021

Nancy Wilson
Acting Regional Director
National Labor Relations Board
Region 3
130 S. Elmwood Avenue, Suite 630
Buffalo, NY 14202-2387

Re: Ithaca Beer Co. -- Case 03-CA-285388 et al.

Position Statement on Behalf of (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Charging Parties

Dear Acting Regional Director Wilson,

Please accept this position statement on behalf of (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Charging Parties in this case.

Ithaca Beer Co. is located in Ithaca, New York, with a brewery, restaurant and bar facility. Because much of its seating capacity is outdoors, IBC experiences seasonal shifts in demand for servers, with limited seating available during the winter season and more seating available in the summer season, (b) (6), (b) (7)(C) (“Charging Parties”) were all hired by Ithaca Beer Co. and had been laid off and rehired. For example, (b) (6), (b) (7)(C) was hired in (b) (6), (b) (7)(C) stopped working at Ithaca Beer Co. (b) (6), (b) (7)(C) of 2018 and 2019. (Exh. E, Exh. J). Others were laid off in 2020 during the COVID-19 pandemic. For example, (b) (6), (b) (7)(C) was hired in (b) (6), (b) (7)(C) was laid off in 2020 and returned to work in (b) (6), (b) (7)(C) 2020. (b) (6), (b) (7)(C) was hired (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was hired in (b) (6), (b) (7)(C) On (b) (6), (b) (7)(C) 2020, the Charging Parties received an email from (b) (6), (b) (7)(C) at Ithaca Beer Co., stating that their jobs would be waiting for them when they came back. (Exh. D).

(b) (6), (b) (7)(C) 2020, Ithaca Beer Co.’s (b) (6), (b) (7)(C) informed several employees about a potential behavioral compact. This announcement came after a potential COVID-19 exposure at an event in Stewart Park that some workers attended. Thus, the announcement appeared to be related to the potential to bring Covid 19 to Ithaca Beer Co. This was confirmed by (b) (6), (b) (7)(C) conversation with (b) (6), (b) (7)(C) at Ithaca Beer Co., who stated

that “the goal of [the behavioral contract] is to make sure that the employees coming to work who are afraid of exposures . . . remain healthy and feel safe and comfortable at work.” (Exh. F). (b) (6), (b) (7)(C) contacted other employees asking whether they would sign the behavioral contract. (Exh. F, Exh. G, Exh. H, Exh. I). The Charging Parties had several conversations, both in person during their shifts and through text messages, regarding the potential disciplinary consequences of a behavioral contract. (Exh. F, Exh. G, Exh. H, Exh. I). The fear among the employees was that the behavioral contract would make the workers liable for bringing COVID-19 to work. They were also skeptical of signing contracts with Ithaca Beer Co. because of a previous contract they were asked to sign that led to the termination of another employee. (Exh. G).

On (b) (6), (b) (7)(C) 2020, several workers, including (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) sent an email to (b) (6), (b) (7)(C) requesting to see the behavioral contract and its terms and to “respond to the contract as a group.” (Exh. A). On (b) (6), (b) (7)(C) 2020, (b) (6), (b) (7)(C) replied to the email and stated that “[a]s soon as we have finished writing the behavioral contract I will send it out to you.” (Exh. A). Ithaca Beer Co. did not send the new behavioral contract to the employees.

By (b) (6), (b) (7)(C) 2020, the Charging Parties went on a layoff for the (b) (6), (b) (7)(C) season. They were instructed to go on unemployment. They were assured by (b) (6), (b) (7)(C) they would have jobs upon their return, including texts directly stating, “once we open back up you do have a spot.” (Exh. B). In (b) (6), (b) (7)(C) 2021, the Charging Parties attempted to return to Ithaca Beer Co. for the (b) (6), (b) (7)(C) season, which is the typical time period to return for the season (Exh. C). The (b) (6), (b) (7)(C) workers who were not brought back to work for the (b) (6), (b) (7)(C) season were those who requested to review the behavioral contract together and volunteered to go on layoff for the (b) (6), (b) (7)(C) season. There were other employees who did not object to the behavioral contract and were also laid off for the (b) (6), (b) (7)(C) season and still returned to work for the (b) (6), (b) (7)(C) season, including (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). There were also several new people hired as well.

While the possibility of not bringing back (b) (6), (b) (7)(C) of the workers could be explained for other reasons, it could not be a mere coincidence that all (b) (6), (b) (7)(C) of the charging parties that were listed in the email about the behavioral compact were not brought back as promised. This demonstrates that the adverse employment action was primarily a response to the workers’ protected collective activity. The Respondent did not allow the Charging Parties to return to work for engaging in concerted activities for the mutual aid and protection of themselves and other employees in violation of Section 8(a)(1) of the National Labor Relations Act (“the Act”).

I. Legal Framework for Charges

Section 8(a)(1) of the Act makes it an unfair labor practice for an employer “to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 7.” The “right . . . to engage in other concerted activities for the purpose of . . . mutual aid or protection” is chief among those rights.

Employee terminations violate Section 8(a)(1) when (1) the employee engaged in concerted activities; (2) the concerted activities were protected by the Act; (3) the employer knew of the concerted nature of the activities; and (4) the adverse action taken against the employee was

motivated by the activity. *Relco Locomotives, Inc.*, 358 N.L.R.B. 298, 309 (2012) (citing *Meyers Industries, Inc.*, 268 N.L.R.B. 493, 497 (1984), remanded sub nom.; *Prill v. NLRB* 755 F.2d 941 (D.C. Cir. 1985), cert. denied 474 U.S. 948 (1985), supplemented 281 N.L.R.B. 882 (1986), affd. sub nom. *Prill v. NLRB*, 835 F.2d 1481 (D.C. Cir. 1987), cert. denied 487 U.S. 1205 (1988)).

Here, the Charging Parties engaged in concerted activity, which was protected, known by the Employer, and a motivating factor, if not the exclusive cause, of the employer not bringing them back to work. Therefore, the Employer violated the Act.

II. Evidence of Protected Concerted Activity for Mutual Aid or Protection

A. *The Charging Parties Engaged in Concerted Activity*

The Board has long held that an employee acts concertedly when they take action “with or on the authority of other employees, and not solely by and on behalf of the employee himself.” *Meyers Industries*, 268 N.L.R.B. 493, 497 (1984) (Meyers I). Concerted activity includes situations “where individual employees seek to initiate or to induce or to prepare for group action, as well as individual employees bringing truly group complaints to the attention of management,” *Meyers Industries*, 281 N.L.R.B. 882, 886-887 (1986) (Meyers II), affd. Sub nom., *Prill v. NLRB*, 835 F.2d 1481 (D.C. Cir. 1987), cert. denied 487 U.S. 1205 (1988) (activity deemed concerted where an individual, not designated as a spokesman, brought a group complaint to the attention of management where there was “record evidence [that] demonstrates group activities”).

The Charging Parties engaged in concerted activity when they discussed the behavioral contract and when (b) (6), (b) (7)(C) emailed (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2020. (Exh. A). (b) (6), (b) (7)(C) emailed on behalf of (b) (6), (b) (7)(C) fellow Ithaca Beer Co. employees, including the Charging Parties, requesting to review the behavioral contract and they would respond to the contract collectively. (Exh. A). This was a logical outgrowth of the conversations by the Charging Parties both in person during their shifts and through text messages regarding the implications of the behavioral compact (Exh. F, Exh. G, Exh. H, Exh. I). Ithaca Beer Co. had knowledge of this behavior after (b) (6), (b) (7)(C) spoke with (b) (6), (b) (7)(C) and after the workers directly sent the email to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (Exh. A, Exh. F). As a result, the management decided not to send out the behavioral contract.

B. *The Charging Parties Complained for Mutual Aid or Protection*

For activity to be protected under Section 7, it must also have been undertaken for “mutual aid or protection.” *Alstate Maintenance*, 367 N.L.R.B. No. 68, at 8 (2019). Employees satisfy this prong when their conduct looks to “improve the terms and conditions of employment or otherwise improve their lot as employees.” *Eastex, Inc. v. NLRB*, 437 U.S. 556, 565-66 (1978). The concept of mutual aid or protection looks broadly to the goal of the activity such that “‘proof that an employee action inures to the benefit of all’ is ‘proof that the action comes within the mutual aid or protection clause.’” *Fresh & Easy Neighborhood Market, Inc.*, 361 N.L.R.B. 151, 153 (2014), (citing *Meyers I* at 887).

The Board and courts have found this to be true where employees inform management of workplace behavior that is affecting their work. *See, e.g., Trompler, Inc.*, 335 N.L.R.B. 478, 479 (2001) (“It is well-settled ... that concerted employee protests of supervisory conduct are protected under Section 7 ... where such protested conduct affects the employees' working conditions.”). Applying those principles here, the Charging Parties' email regarding the behavioral contract was for mutual aid or protection. The management of Ithaca Beer Co. sought to enact a behavioral contract that would affect the working conditions of the employees. The Charging Parties directly spoke with each other regarding the implications a contract would have on their working conditions at Ithaca Beer Co (Exh. G, Exh. H, Exh I).

III. Evidence the Employer Knew About the Complaint

In unlawful discharge cases, the plaintiff must show that the employer had knowledge of the protected activity, which can be done with direct or circumstantial evidence. *Lucky Cab Co.*, 360 N.L.R.B. 271, 275 (2014). Here, the Charging Parties requested a copy of the behavioral contract to review the provisions and respond to the contract as a group on (b) (6), (b) (7) 2020 (Exh. A). (b) (6), (b) (7)(C) replied to this email on (b) (6), (b) (7)(C) 2020. (Exh. A) (b) (6), (b) (7)(C) also spoke directly to (b) (6), (b) (7)(C) at Ithaca Beer Co., regarding the behavioral contract (Exh. F). These conversations with management are direct evidence that the employer had knowledge of the protected activity.

IV. Evidence of Adverse Action Based on Protected, Concerted Activity

To establish a violation of Section 8(a)(1) where the employer refused to hire a previous employee, the “General Counsel has the burden to prove that the employer failed to hire employees of its predecessor and was motivated by antiunion animus.” *Planned Bldg. Servs., Inc.*, 347 N.L.R.B. 670, 673 (2006) (overruled on other grounds by *Pressroom Cleaners & Serv. Emps. Int'l Union, Local 32BJ*, 361 N.L.R.B. No. 57 (Sept. 30, 2014)). Several factors including inconsistent hiring practices, conduct evidencing discriminatory motive, and lack of convincing rationale for refusal to hire the employee. *U.S. Marine Corp.*, 293 N.L.R.B. 669, 670 (1989), enforced sub nom. *U.S. Marine Corp. v. N.L.R.B.*, 944 F.2d 1305 (7th Cir. 1991) (en banc).

The burden would then shift to the employer to prove they would not have hired the employee again even in the absence of unlawful motive. *See id.* “Antiunion animus need not be the sole motivating factor for the employer's refusal to hire, only ‘a substantial or motivating factor in the adverse action.’” *Adams & Assocs. v. NLRB*, 871 F.3d 358 (5th Cir. 2017) (citing *N.L.R.B. v. Transp. Mgmt. Corp.*, 462 U.S. 393, 401, 103 S. Ct. 2469, 76 L. Ed. 2d 667 (1983)).

Here, Ithaca Beer Co. violated Section 8(a)(1) when it refused to rehire employees engaged in protected, concerted activity. Employees who engaged in protected, concerted activity by questioning the terms of the behavioral contract and were laid off for the (b) (6), (b) (7)(C) season were not rehired. In contrast, several employees who did not request to review the behavioral contract and were laid off for the (b) (6), (b) (7)(C) season were rehired for the (b) (6), (b) (7)(C) season, such as (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). This occurred after several of the Charging Parties, including (b) (6), (b) (7)(C) received messages from (b) (6), (b) (7)(C) stating their jobs would be available when they return to work in the spring as well as being assured in conversations that their jobs would be there

when they returned (Exh. B, Exh. D). When asked about returning to work at Ithaca Beer Co., several of the Charging Parties, including (b) (6), (b) (7)(C) received no response or no reason for not being rehired. (Exh. C). In addition, several new employees were hired by Ithaca Beer Co. during the (b) (6), (b) (7)(C) 2021 Season. This inconsistency in hiring practices and lack of explanation for not rehiring seasonal employees who have previously been brought back while hiring new employees gives rise to an inference that the protected activity motivated the Respondents decision not to rehire the Charging Parties.

V. Conclusion

Ithaca Beer Co. did not renew the Charging Parties' contracts due to their participation in protected concerted activity. The facts support the Charging Parties' position that Ithaca Beer Co. violated Section 8(a)(1) of the Act warranting the issuance of the complaint.

Please do not hesitate to contact us if you need any further information.

Respectfully submitted,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @cornell.edu

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Cornell Law School
Labor Law Clinic



Angela Cornell
Supervising Attorney



Exhibit A

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

Fwd: Behavioural contract

2 messages

(b) (6), (b) (7)(C)

To: (b) (6), (b) (7)(C)

Fri, Oct 22, 2021 at 11:19 AM

----- Forwarded message -----

From: (b) (6), (b) (7)(C)

Date: (b) (6), (b) (7)(C) 2020 at 8:00 PM

Subject: Behavioural contract

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Hello (b) (6), (b) (7)(C) We request both ample time to review this "behavioural contract" and for said contract to be emailed to us ASAP. We will review, and respond to the contract as a group. Thank you.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

To: (b) (6), (b) (7)(C)

Fri, Oct 22, 2021 at 11:19 AM

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>@ithacabeer.com

Date: (b) (6), (b) (7)(C) 2020 at 1:45 PM

Subject: RE: Behavioural contract

To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Hi everyone,

(b) (6), (b) (7)(C)

As soon as we have finished writing the behavioral contract I will send it out to you. I understand that this has caused some confusion or frustration and I apologize. In an effort to be transparent I prematurely mentioned behavioral contract before it is complete. When it is ready it will be sent out to everyone and if there are any questions or concerns on it please let (b) (6), (b) (7)(C) or myself know.

Rest
(b) (6), (b) (7)(C)

[Quoted text hidden]

Exhibit B

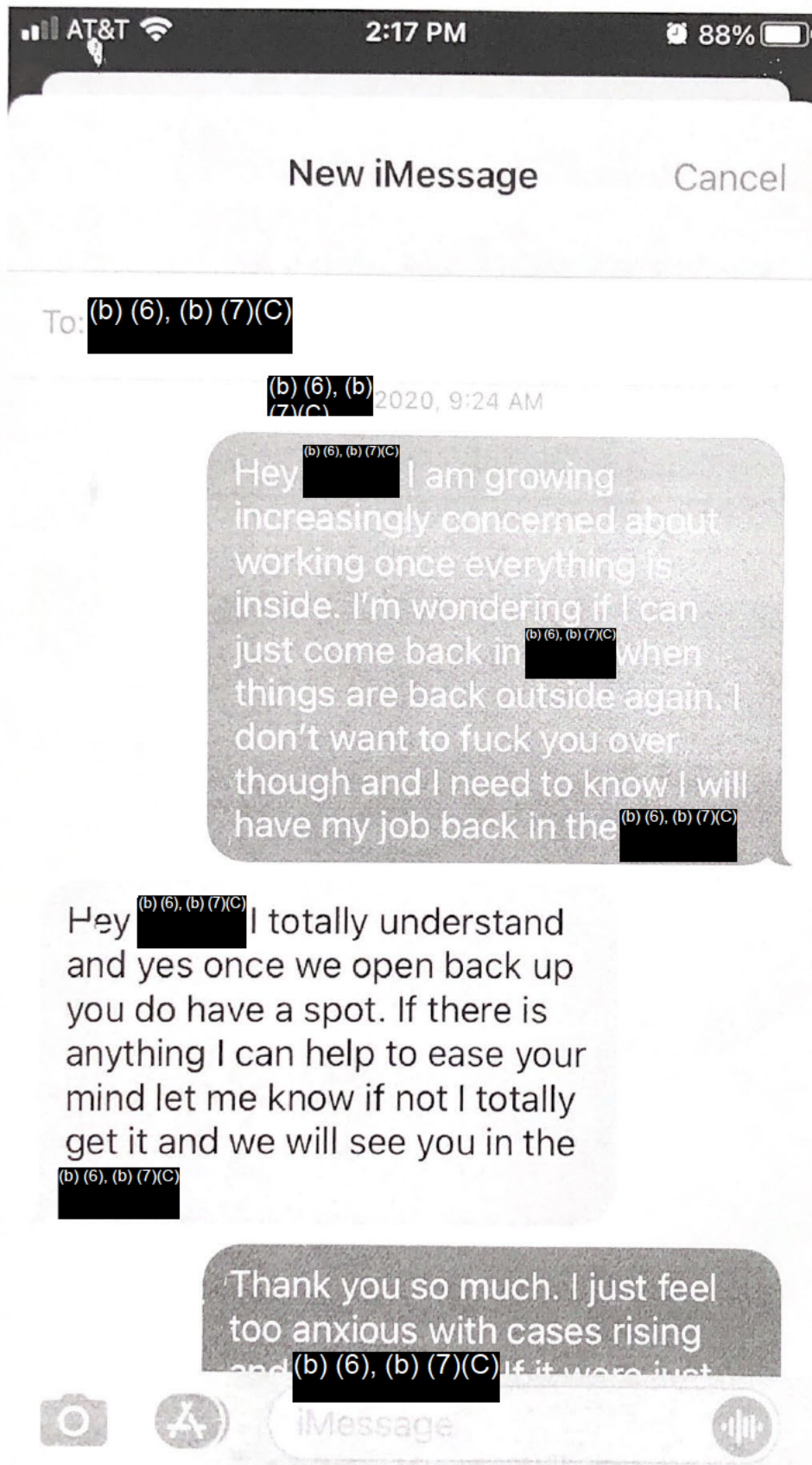


Exhibit C

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

Fwd: (b) (6), (b) (7)(C) plan
1 message

(b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)

Fri, Oct 22, 2021 at 11:18 AM

----- Forwarded message -----

From: (b) (6), (b) (7)(C)
Date: (b) (6), (b) (7)(C) 2021 at 2:00 PM
Subject: (b) (6), (b) (7)(C) plan
To: (b) (6), (b) (7)(C)@ithacabeer.com> (b) (6), (b) (7)(C)@ithacabeer.com>

Hey guys. Hope all is well with you and yours. Wondering what the plan is this (b) (6), (b) (7)(C) to bring people back? I'll be all vaccinated and past side effects by the 19th.

On (b) (6), (b) (7)(C) 2020, 5:35 PM <(b) (6), (b) (7)(C)@ithacabeer.com> wrote:

Taproom staff,

With the dramatic decline in sales that we have seen, and the corresponding lack of shifts needed to support those sales I wanted to touch base with everyone. Times are tough and unfortunately, it is not looking like they will be getting better anytime soon. To those of you who are not being scheduled or have seen shifts cut below where you would like, I am sorry this was not where we had anticipated being in summer and fall.

After multiple discussions with (b) (6), (b) (7)(C) as well as our management staff on not just the Taproom but the overall state of the restaurant industry we decided we wanted to put something together for those being affected the most, restaurant workers. Ithaca Beer will be giving out 500 \$20 gift cards to local hospitality workers being affected by COVID-19. With these gift cards we will be able to provide 500 meals to local hospitality workers not just our own staff. With the industry being as tight knit as it is each of you probably know multiple restaurant workers who have lost shifts or even jobs due to the pandemic. We will be handing out gift cards for you to use as you need. If you would like some gift cards to give out to industry friends, please let me know. If you are not working this coming week and would like to stop by to pick some up, I'd be more than happy to have them ready for you. As a reminder if you are coming in not on a shift please make sure you are using the main entrance and you keep to the areas open to the public so we can limit contact for everyone.

If you have any questions, please let me know.

Stay safe,

(b) (6), (b) (7)(C)

Best,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Ithaca Beer Co.

O (b) (6), (b) (7)(C)

C

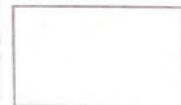


image001.png
8K

Exhibit D

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

Taproom Staff Update

3 messages

(b) (6), (b) (7)(C)@ithacabeer.com> (b) (6), (b) (7)(C) 2020 at 4:05 PM
To: (b) (6), (b) (7)(C)@ithacabeer.com> (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@ithacabeer.com> (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@ithacabeer.com> (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@ithacabeer.com> (b) (6), (b) (7)(C)@ithacabeer.com>

Hey everyone, I hope you are all doing well. I want to reach out and see if any of you need anything, as well as give an update as to where we are. We are doing curbside pickup and delivery and will most likely continue doing this after we resume dine in service. We've now been given the green light to do takeout and allow people to be on the patio/lawn.

Currently, we are awaiting the ok for "Phase 3" to open in the Southern Tier Region. A perfect timeline has our phase opening around (b) (6), or so. That being said the guidance for restaurants has not been released yet so planning for our opening is difficult. Right now we're working on a few different scenarios and game plans to meet what we think NYS could give us as guidance. Looking at what other states have done I think we will be given some sort of percentage of occupancy, most likely around 25% for reopening. If this is the case we know that bringing the full team back off the jump will be difficult. We also know that while we are limited we will have odd jobs to help clean or maintain the facility for staff. Know that in coming back we will be asking everyone to help pitch in with some sort of cleaning and or maintenance projects. Some of you have already reached out about wanting or not wanting to come back right away. If you haven't spoken with me yet please let me know if you are someone who would like to come back as soon as we can start ramping up or if you would like to wait a bit before coming back. I'm trying to figure the number of bodies I have and how many hours I can give everyone.

I look forward to hearing from you all and can't wait to start some semblance of normalcy again. Please let me know if there is anything you are in need of and I will do my best to help you. Stay safe.

Best
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Ithaca Beer Co.
O: (b) (6), (b) (7)(C)
C: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)@ithacabeer.com>

(b) (6), (b) (7)(C) 2020 at 3:03 PM

(b) (6), (b) (7)(C)

Hi (b) (6), (b) (7)(C)

I'm hesitant to come back as I'm scared of a resurgence. I myself have been going to the protests in Ithaca as well. I am of course available for (b) (6), (b) (7)(C) And I also want to be available if you don't get enough volunteers. I wouldn't want to leave y'all high and dry. I want more than anything to be working normally again. I guess I'm just worried about what might occur in the next few weeks at least. I'd rather stay on unemployment for the time being.

All the best

(b) (6), (b) (7)(C)

On (b) (6), (b) (7)(C) 2020, at 16:05, (b) (6), (b) (7)(C)@ithacabeer.com> wrote:

[Quoted text hidden]

(b) (6), (b) (7)(C)

Fri, Oct 22, 2021 at 11:30 AM

To: (b) (6), (b) (7)(C)

----- Forwarded message -----

From: (b) (6), (b) (7)(C)
Date: (b) (6), (b) (7)(C) 2020 at 1:35 PM
Subject: Re: Taproom Staff Update
To: (b) (6), (b) (7)(C)@ithacabeer.com>

Hey (b) (6), (b) (7)(C) thanks for the update. Hope all is well and you and yours are healthy and safe. How is your come back team looking so far? My thought currently is that I would like to come back the beginning of (b) (6), (b) (7)(C) if that is possible. I can be flexible if you're hurting for soldiers to man the trenches though.

Thanks again.

Yours truly,

(b) (6), (b) (7)(C)

[Quoted text hidden]

Exhibit E

iMessage with (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) /19, 4:58 PM

Hey [REDACTED] I opened you back up on schedulebase. Can you login and put in your availability when you get a moment. We're a little right next week so if you're free I can get you some hours if you want

Hi [REDACTED] That's great news! I'll do that later tonight.

Ok thanks

(b) [REDACTED] 19, 10:01 AM
(6).

Any chance you could serve dinner tonight 430 to 9

Yes I can do that

Awesome thanks

(b) [REDACTED] 19, 11:00 AM
(6). [REDACTED]

Hey [REDACTED] running a lil late so sorry!

(b) (6), 19, 2:14 PM
(b) (7)

Hey! I (b) (6), (b) (7)(C) because I thought they were discharged but they aren't letting them go. I'm hoping that we can leave soon but I may be late to work (b) (6), (b) (7) tonight. Any chance (b) (6), (b) (7)(C) can cover in case I'm super late?

Nevermind! They're doing the paperwork now!

(b) (6),
(b) (7) /19, 12:57 PM

Hey (b) (6), (b) (7)(C) are you able to come in earlier than (b) (6), today?

Could you come in at (b) (6) today?

Thanks

(b) (6),
(b) (7)

Hi [REDACTED] I forgot to change my hourly today from (b) (6), (b) (7)(C)! I'm sorryyy

(b) (6),
(b) (7) 1/19, 2:22 PM



Hey [REDACTED] any chance you could [REDACTED] next Friday. It should be a relatively busy day

This Friday?

No (b) (6), (b) (7) the day after (b) (6), (b) (7)(C)

Maybe? I am trying to go home though

Exhibit F

(b) (6), (b) (7)(C)  

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

5 matches

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

9 matches

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

2 matches

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

3 matches

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

2 matches

To: (b) (6), (b) (7)(C)

Details

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I will correct [REDACTED] name

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Yeah. To [REDACTED]

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

naha

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

[REDACTED] ol

(b) (6), (b) (7)(C)
*Young Jesus

(b) (6), (b) (7)(C)

Haha I still have you saved as my guess when we first met.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

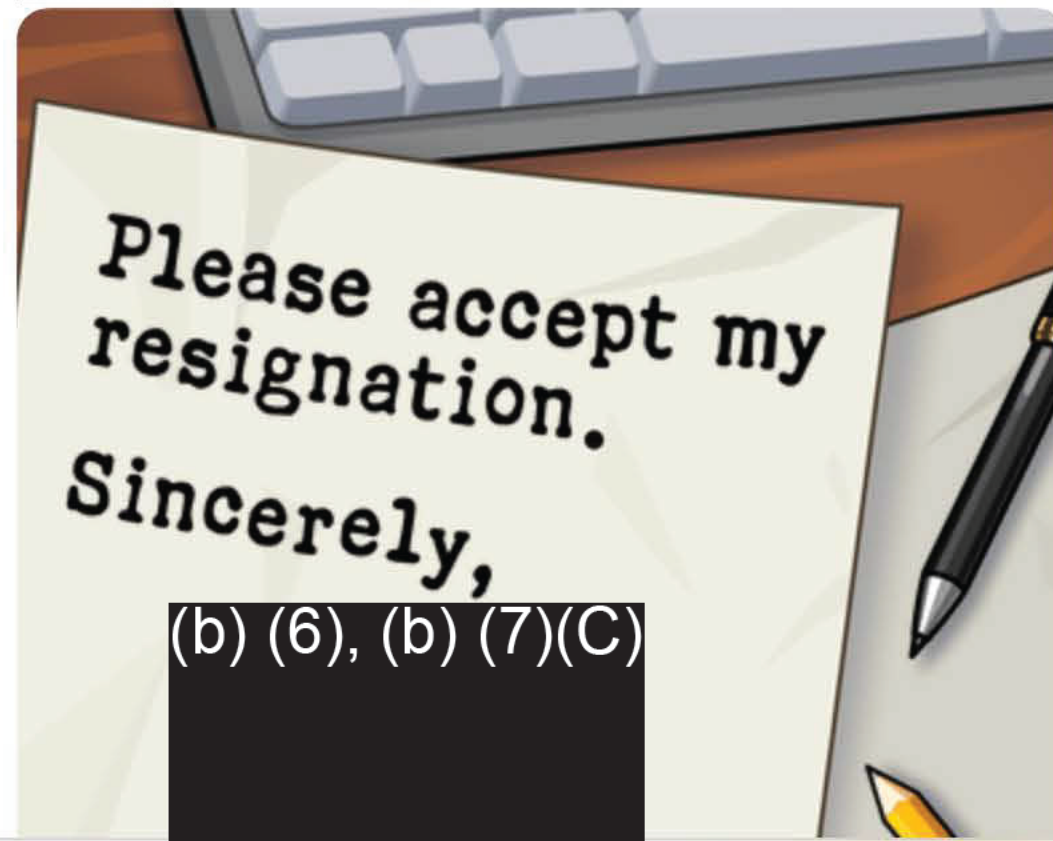
Come on (b) (6), (b) (7)(C) have long have we known each other and you can't spell my name

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

🙄 🏳️‍⚧️

(b) (6), (b)
(7)(C)



Text Message



*Kaydawg

(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	5 matches
(b) (6), (b) (7)(C)	9 matches
(b) (6), (b) (7)(C)	2 matches
(b) (6), (b) (7)(C)	1 match
(b) (6), (b) (7)(C)	1 match
(b) (6), (b) (7)(C)	3 matches
(b) (6), (b) (7)(C)	1 match
(b) (6), (b) (7)(C)	Person matches
(b) (6), (b) (7)(C)	1 match
(b) (6), (b) (7)(C)	1 match
(b) (6), (b) (7)(C)	Person matches
(b) (6), (b) (7)(C)	2 matches

[illegible]

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5 matches

(b) (6), (b) (7)(C)

9 matches

(b) (6), (b) (7)(C)

2 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

3 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

2 matches

To: (b) (6), (b) (7)(C)

Details

(b) (6), (b) (7)(C)

That sounds wise.

(b) (6), (b) (7)(C)

Yes please

(b) (6), (b) (7)(C)

I think everyone's email is on schedule base. I'll throw everyone on.

(b) (6), (b) (7)(C)

We don't want the appearance that (b) (6), (b) (7)(C) is drumming up trouble... we already lost one (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

You're the best! As you say "you're doing the lords work"

(b) (6), (b) (7)(C)

Yes @ (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I love all of you assholes

(b) (6), (b) (7)(C)

Your all garbage

(b) (6), (b) (7)(C)

Lol

(b) (6), (b) (7)(C)

🙄*you're all *gorgeous ... jeez learn to spell


(b) (6), (b) (7)(C)

I meant garbage. But like good garbage

(b) (6), (b) (7)(C)

MY GARBAGE!

(b) (6), (b) (7)(C)



You are all my favorite people ❤️

Details

5 matches

9 matches

2 matches

1 match

1 match

3 matches

1 match

Person matches

1 match

1 match

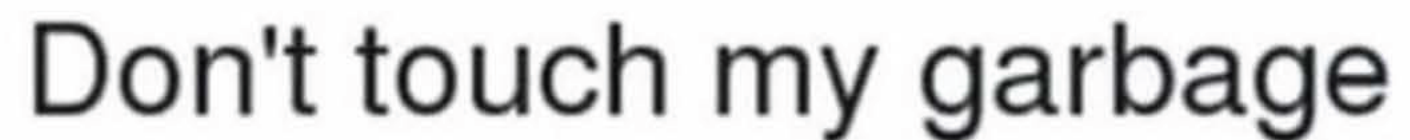
Person matches

2 matches

quikmeme.com

(b) (6), (b) (7)(C)

I've survived this long. They'll never catch me



To:

(b) (6), (b) (7)(C)

Exactly

I'm a opossum

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

$$A_n^*$$


(b) (6), (b) (7)(C)

I spoke with (b) (6), (b) (7)(C) I'll just copy paste it all. Give me a sec.

Hey [REDACTED] People are kinda freaked out by the idea of a behavioural contract regarding conduct outside of work. What are your thoughts?

I'd wait to freak out until we see what's in the contract. I think the goal of it is to make sure that the employees coming to work who are afraid of exposure (which we have quite a few) remain healthy and feel safe and comfortable at work. This way we can promise each other we're using best practices and looking out for each other. We can always choose not to sign if it contains things that cross any personal lines. It's tough and there is no real precedent for this situation. Everyone is kind of trying to figure it out together. I would say that if anyone is freaked out they should add their input and give ideas to keep staff safe and help us work through it. I honestly think this pandemic has done number one on the mental and physical health of everyone. People are scared. At the end of the day, the health and safety of the team comes first. If we have to promise to be our best and keep each other safe then idk if that's a bad thing. Idk what the contract is going to say but my best guess is that it'll ask everyone to do their best to lower their risk and in doing so lower everyone's risk. When it comes out I'll have a better idea of how I feel about it.

I doubt its going to be a super strict dictation of how everyone should act every second. I think it'll be more of a "promise you'll do your best to not get sick and get everyone sick"

I think with enough staff letting IBC know what they are and aren't comfortable with it can be a team effort and not a dictatorship

If that makes sense

End quote

Sorry for the delay. I had to get life shit done for the day. Haha Let me know what you guys think and I'll send the email.

I already feel like it's a dictatorship. After what happened to [REDACTED] I didn't feel comfortable talking freely or even questioning procedures. It seems pretty clear that money is IBC's main priority, not our health and safety.

2) Emphasized "I already feel like it's a dictatorship. After what happened to [REDACTED] (b) (6), (b) (7)(C) I didn't feel comfortable talking freely or even questioning procedures. It seems pretty clear that money is IBC's main priority, not our health and safety. "

Text Message



Exhibit G

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5 matches

(b) (6), (b) (7)(C)

9 matches

(b) (6), (b) (7)(C)

2 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

3 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

2 matches

To: (b) (6), (b) (7)(C)

Details

(b) (6), (b) (7)(C)

Seems general consensus is to move forward. Just give me a few hours to CC everyone. Haha

(b) (6), (b) (7)(C)

Loved “I already feel like it's a dictatorship. After what happened to (b) (6), (b) (7)(C) i didn't feel comfortable talking freely or even questioning procedures. It seems pretty clear that money is IBC's main priority, not our health and safety. ”

(b) (6), (b) (7)(C)

Let's get this out of the way so we can focus our efforts on arson.

(b) (6), (b) (7)(C)

Loved “I remain skeptical and uninterested in signing a contract. There's nothing that I can think of that would make a behavior contract either useful or necessary; the last document that came out to be signed was atrocious. If they wanted us to feel like we have input they wouldn't have fired (b) (6), (b) (7)(C) So no thank you.”

(b) (6), (b) (7)(C)

A bit tougher to nab the emails from schedule base than I thought. If you get a sec and can text it that would help.

(b) (6), (b) (7)(C)

No one has seen this said "contract" besides the ones creating it. Yet they are still expecting everyone last minute to attend work tomorrow with no answers, no meeting on how we are going to move forward, zero discussions to try to make us feel comfortable and listen to our opinions. (b) (6), (b) (7) mentioned doing one on one meetings but why wasn't this addressed in our off time Monday and Tuesday before we all come back to work. I get there's more to it but put the staff first for a change. We are just acting as if nothing happened like any other incident that occurs at Ithaca beer. All they care about is the money and that is quite obvious to us.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

& I concur with (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Loved “No one has seen this said "contract" besides the ones creating it. Yet they are still expecting everyone last minute to attend work tomorrow with no answers, no meeting on how we are going to move forward, zero discussions to try to make us feel comfortable and listen to our opinions. (b) (6), (b) (7)(C) mentioned doing one on one meetings but why wasn't this addressed in our off time Monday and Tuesday before we all come back to work. I get there's more to it but put the staff first for a change. We are just acting as if nothing happened like any other incident that occurs at Ithaca beer. All they care about is the money and that is quite obvious to us. ”

(b) (6), (b) (7)(C)

One on one meetings will result in someone else getting fired for dissenting. That's another big nope from me.

Text Message

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I love you all

(b) (6), (b) (7)(C)



b) (6), (b) (7)(C)

Not to keep the pot stirring but I snapped a photo of [REDACTED] mask completely down within a couple of feet of a mask less contractor (putting in some of the plexiglass for our "safe indoor dining" upcoming)

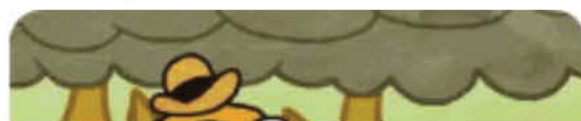
Loved "I love you all"

(6), (b) (7)(C

I showed it to [REDACTED] and resisted the urge to scream

This went on multiple times throughout the day. Absolutely insane. I couldn't get a super clear one but it happened

Chrissy



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5 matches

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

9 matches

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

2 matches

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

3 matches

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

match

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

match

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Person matches


(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

2 matches

To: (b) (6), (b) (7)(C)

Details



(b) (6), (b) (7)(C)

Wow. I love this group chat

(b) (6), (b) (7)(C)

It only matters if WE catch the covid (and spread it within our secret staff orgies). They won't lose money if it's just (b) (6), (b) (7)(C) Duh.

(b) (6), (b) (7)(C)

Right. We would have one less person at the front telling guests wrong information. Apparently we have gluten free buns for burgers

(b) (6), (b) (7)(C)

Also good thing there aren't any cops in this chat

(b) (6), (b) (7)(C)

Well at least you know it's everyone that they tell wrong bullshit to. Not just us.

(b) (6), (b) (7)(C)

That's a plus

(b) (6), (b) (7)(C)

Laughed at "Well at least you know it's everyone that they tell wrong bullshit to. Not just us. "

(b) (6), (b) (7)(C)

Yes!!!

(b) (6), (b) (7)(C)

That does weirdly make me feel better. Thank you (b) (6), (b) (7)(C) undercover PI (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

It gave me a strange sense of joy and also pure rage at the same time

(b) (6), (b) (7)(C)

Laughed at "Right. We would have one less person at the front telling guests wrong information. Apparently we have gluten free buns for burgers"

(b) (6), (b) (7)(C)

There's got to be a German word for that emotion (b) (6), (b) (7)(C)


(b) (6), (b) (7)(C)


freudige Wut

(b) (6), (b) (7)(C)

Means joyful anger

(b) (6), (b) (7)(C)



Text Message 

Email is sent good peoples. Everyone is CCed

b) (6), (b) (7)(C)

(b) (6), (b)
(7)(C)

WELCOME BACK.
The pause on our world has impacted our business in profound ways. Many things have changed about our world and our company is no exception. Please help us implement the necessary changes, reinforce existing policy, and respect those things that are the necessary backbone of welcome back. Use e-mail or text during the covid-19 era. We different. Feedback everyone who has been working through Covid-19 for their well-being. We thank everyone who has been working through Covid-19 for their well-being. We appreciate all the hard work, attention to detail, and dedication to the success of our company. We appreciate all the hard work, attention to detail, and dedication to the success of our company. We appreciate all the hard work, attention to detail, and dedication to the success of our company.

ATTITUDE - customer relations

line while I see. See handbook as well for discrimination. If you would like more information or articles to read on race these are some good sources:

1. *Black Caucus* - a national Black caucus of the National Education Association (tolerance.org). It has education, African American, and social justice issues available for loan in the brewery. Website: www.blackcaucus.org

2. *Anglo-Robin Diangelo*. White awareness, handbook for antiracism training.

3. We have changed the structure of how we run the Taproom. Everyone will now be expected to do everything. This includes cleaning bathrooms, sanitizing, restocking, changing kegs, monitoring yard, expo, pots, taps etc. This is an experience/learn-by-based system. We have to be a team to be a successful part of the TEAM and movement that we are in. Your value is based on your skills as a team player. Please don't be the weak link. If you don't know something, it's your responsibility to learn and ask for training.

1. When dining with guests, be friendly but to guests when they are in transitions. "Can I clean your table" (if they are just about to set down). "How was your meal?" "Enjoying yourself?" "need anything"? Go above and beyond when you can. However, don't interrupt while they are eating and in conversation with their party.
2. We should never be saying "No" to a guest. We should always be mindful of trying to find a way to accommodate their needs or **explain** why we have certain

imitations. Always find the "yes" in the situation, provide options, explain why, and be creative! Remember how important tone is and to that end have a genuine smile in your voice. "I'm so sorry," "we'll look into it," "I'll pass it along to a manager," "that's a good idea." We cannot accommodate dogs at this time. We love them and are considering how to do it safely and with everyone in mind. If you don't know what a rule is in place, **FIND OUT**.

apologize and ask the guest to explain the problem. Please listen and promptly explain you would like a manager to hear about the situation. Make sure a manager is found immediately.

9. Please enter through entrance north of the building and close to green house. Park in the employee parking (north lot). DO NOT GO INTO the PRODUCTION facility for any reason!!
10. When you punch in you are acknowledging no to health screen. Sanitize hands before touching screen. (no more than 10 min before your scheduled shift and always on time).
11. Please do not bring your cell phone to work. At no point should your cell phone be visible on the floor.
12. Keep your belonging out of building when possible to reduce covid-19 risks. If you are using lockers keep everything in a bag and sanitize before and after.
13. Breaks are mandated for those working 6 or more hours. If you have a manager or supervisor, please advise as soon as possible (covid-19 safety). There is a

17. Overloading garbage to be placed on the side of dumpster not in front. It is lifted from the front and the garbage truck will not take it, when garbage is stacked in front. Also, bags left outside attract birds and animals. Get as much in the container as possible.

18. Always communicate with the kitchen line through the Expo or Food Runner. Never walk into the kitchen directly to the line. Avoid going into kitchen during service.

19. Visitors are no smoking facility as the company and vendors are concerned. For employees, there will be a designated smoking area behind the expansion in the employee parking lot. For the time being employees who smoke must be out of sight of customers, in the designated smoking area (behind the brewery). Employees who smoke must go so before they get to their hands on their break. Manager also will have a designated area where smoking is not allowed. If a manager or employee is smoking on their break they must wash their hands afterward and be absent free upon their return to work.

LEARNING

20. Cleaning is a top priority, when you have downtime you're cleaning. When you go a round of cleaning, log it with management. Sanitizer (eco san) comes from Kitchen (plastic bottles before service). Wipe and remove any debris from table and chairs with sanitizer and wipe clean, then spray and let sanitizer sit for 3 min.
21. Bathrooms should be cleaned every 30 min during service. There is an additional bathroom in the shipping and receiving area for Taproom employee use after 4pm and on weekends. Please stay in the taped walking aisle indicated by tape on floor. Again, don't walk off the aisle into the brewery for any reason.
 - a. WASH HANDS
 - b. Clean up the bathroom each time you use it.
 - i. Menz (outside of floor)
 - ii. Clean (all surfaces, sink, mirror, toilet)
 - iii. Restock (toilet paper, cleaning supplies-found in taproom supply closet)
 - c. IV Log
 - d. Mop daily or more as needed. (in cleaning supply closet next to barrel room)
22. Keep your workstation cleaned and regularly sanitized, keep clutter to minimum (0000-10)
23. Gloves are mandatory when food or beer handling. We are using them for all jobs at the moment. Change regularly and after cleaning, restocking, handling cash, etc.

TRAINING- What you need to know

24. Answer every phone call with, "Ithaca Beer Company, this is (name), how may I help you?" Know the basics of what you'll be asked. How we are operating currently (reservations, full service vs counter, how to take an order, touchless ordering).

- a. COVID-19 rules
 - i. no tours at this time
 - ii. No growler refills
 - iii. Party limit to 25
 - iv. Masks when not seated
 - v. 6' distancing between parties and tables

25. How to pour. Tilt the glass on a 45 degree angle. Open the tap to allow the beer to flow. When the glass is ¾ full, gently return the glass to an upright position allowing the beer to form a head. The head should be the width of two fingers. Cup should not touch the taps. avoid waste by closing taps and pouring properly.
26. No outside alcohol on premise including beer packaged beer from the taproom (crawlers, growlers, bottles, cans). Explain this when customers are purchasing packaged beer. Tell them to purchase on the way out or offer to hold in the Taproom for them (put their name on it and store for them).

27. Inclement weather: Wind- secure garbage cans (bungee if needed), put umbrellas down. Thunder- patrons must go to car. Indoors but socially distanced. If rain or storms are predicted. Please let customers know rain is coming. We have limited rain coverage so you might need to go to car while the shower passes.
28. You will be asked to ID. Know how to do this. Learn the common takes and always check the EXPIRED DATE.
29. Know basic TIPS (responsible service on alcohol)
30. If someone is too intoxicated. Do not serve. The Law. It is illegal to serve alcohol to underage guests and/or already intoxicated guests. Ultimately, through Common Negligence Laws and Dram Shop Liability, the server and owner are held responsible for any illegal sales of alcohol.
31. KNOW THE BEERS (do your homework website has descriptions)
32. KNOW THE MENU (do your homework website has descriptions)
33. KNOW the history of the company (website)
34. We are a no-smoking facility. Smoking in parking lot only. There is a disposal in parking lot for cigarette butts.



Exhibit H

To:

(b) (6), (b) (7)(C)

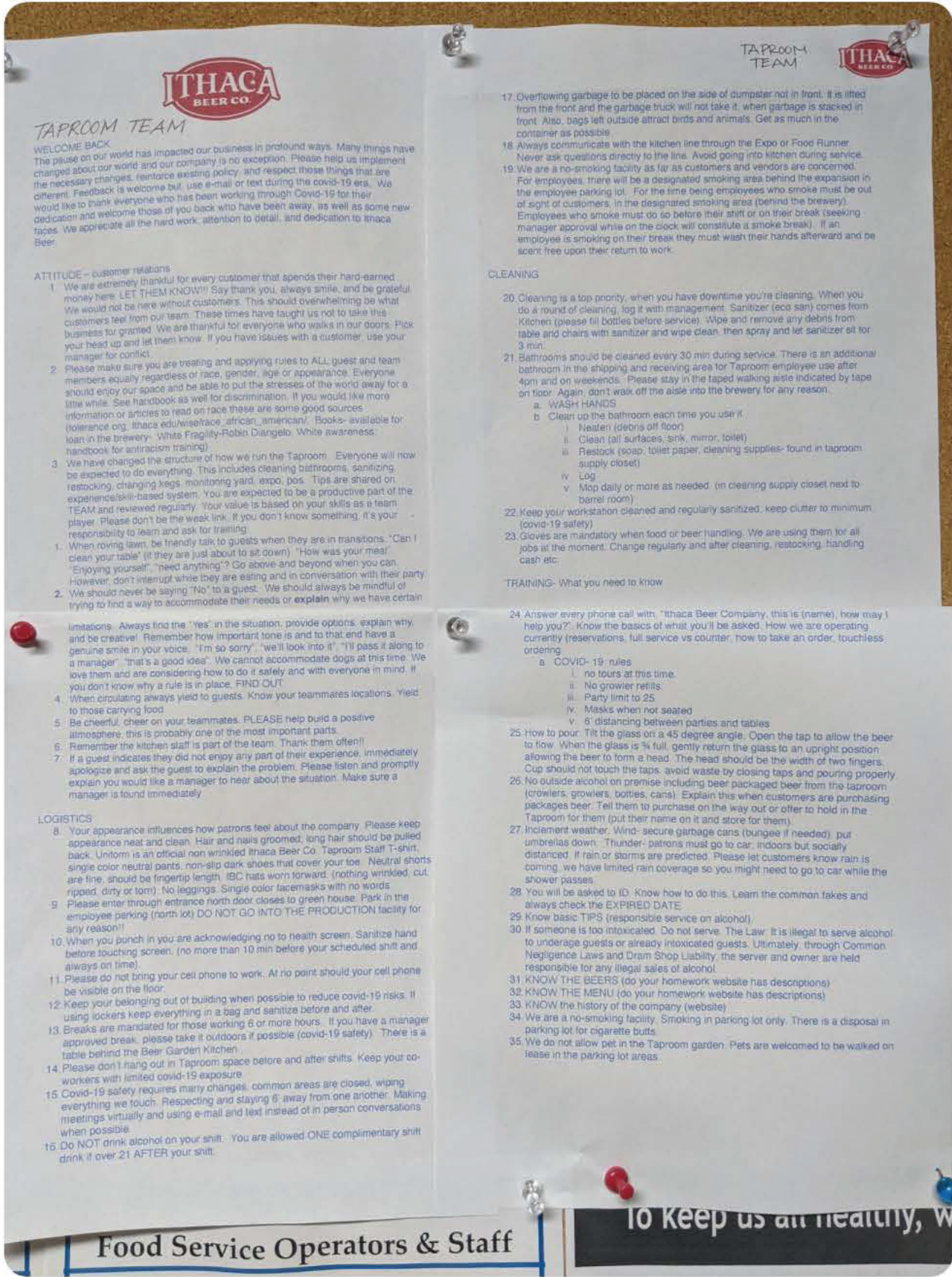
[Details](#)

(b) (6), (b) (7)(C) 20, 6:29 PM

(b) (6), (b) (7)(C)

So everything that happened with (b) (6), (b) (7)(C) was right before I started. I don't fully understand what went down. Can somebody explain it to me?

(b) (6), (b) (7)(C)



They put this out and wanted everyone to sign, (b) (6), (b) (7)(C) said no

(b) (6), (b) (7)(C)

Text Message



(b) (6), (b) (7)(C)

5 matches

(b) (6), (b) (7)(C)

9 matches

(b) (6), (b) (7)(C)

2 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

3 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

2 matches

To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I dk the whole story something along the lines (b) (6), (b) (7)(C) confronted them about (b) (6), (b) (7)(C) concerns and (b) (6), (b) (7)(C) didn't like it and (b) (6), (b) (7)(C) fired (b) (6), (b) (7)(C). I wasn't there just (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) said. It's illegal to fire staff for being up concerns work related that's why (b) (6), (b) (7)(C) filed a law suit there was also concerns about a percentage of the tip money going to staff making more money than the front of house

(b) (6), (b) (7)(C)

Does anyone know what's happening with the lawsuit?

(b) (6), (b) (7)(C)

I do not thinking about it after all this went down. I don't have (b) (6), (b) (7)(C) contact

(b) (6), (b) (7)(C)

I wasn't there either when (b) (6), (b) (7)(C) confronted either, but they did change our roles /assigned positions and tipping /wages, and they did it all with no discussion, so that's not cool at all. I imagine (b) (6), (b) (7)(C) not only refused to sign but brought up that issue, as (b) (6), (b) (7)(C) and then returned and was told "we all split tips equally now" (that's what I was told) & when you're working for the exact same wage as teenagers who can't even handle alcohol that's pretty fucked up

(b) (6), (b) (7)(C)

I think the biggest was front of staff tips going to the kitchen who make almost double what front of house makes. Which I don't think is legal unless our wages were increased to the \$11 whatever.

(b) (6), (b) (7)(C)

Well it was when they changed the split equally to a tiered system for the tips there really wasn't any defining basis for who was to be paid what out of the tips and basically each individuals pay grade was up to managements discretion. This is illegal as tips belong to the employees that are making them, it's not within their rights to decide who gets what out of it. Also it is illegal to take tip money from front of house and use it to pay the kitchen instead of giving them raises. Are cooks underpaid? Absolutely! But you can't take money other people have made away from them and give it to someone else.

(b) (6), (b) (7)(C)

Right. & Bottom line here is since (b) (6), (b) (7)(C) refused to sign a paper and called them out, if any one of us were to do the same with this "behavior contract" I'd expect to get fired.

(b) (6), (b) (7)(C)

Also when it came out (b) (6), (b) (7)(C) was upset as (b) (6), (b) (7)(C) was deemed to be a mid tier employee and was going to be paid lower than others for no real reason. Especially after (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) to keep the place afloat. It was a real slap in the face to (b) (6), (b) (7)(C) personally as well.

(b) (6), (b) (7)(C)

Loved “Well it was when they changed the split equally to a tiered system for the tips there really wasn't any defining basis for who was to be paid what out of the tips and basically each individuals pay grade was up to managements discretion. This is illegal as tips belong to the employees that are making them, it's not within their rights to decide who gets what out of it. Also it is illegal to take tip money from front of house and use it to pay the kitchen instead of giving them raises. Are cooks underpaid? Absolutely! But you can't take money other people have made away from them and give it to someone else. ”

Text Message

Loved. Also when it came out Matty was upset as he was deemed to be a third tier employee and was going to be paid lower than others for no real reason. Especially after [REDACTED] was (b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED] to keep the place afloat. It was a real slap in the face to [REDACTED] personally as well. "

Team

(b) (6), (b) (7)(C)

For sure, everyone was on his side. But the thing is, it's a job, which are increasingly hard to come across these days and there was little any of us could really do. And they know this.

Do you know the status of it?

(b) (6), (b) (7)(C)

Like half of the bars and restaurants around here will probably end up closing. And Ithaca Beer isn't in danger of shutting down as of now.

I don't know any details but I'll ask [REDACTED] if there are any updates the next time I see

How did you guys find out BOH was getting FOH tips? Was that in the Bible sized contract?

I honestly didn't even know that

It was on that paper we had to sign I believe about the tips being tiered

I don't think it necessarily amounts to a whole lot but it's still illegal. But it's a tiered system where I think you either get 1, 2 or 3 points? out of the pool based on what jobs you can do. The kitchen is given .5 points out of the pool. This was the initial system when they started it. I have no idea if it's changed. I don't even know where I'm at in the system as it was never told to me.

Don't think I was shown that. They didn't make me sign anything they just made me work harder

There was a paper for that?? Damn they really leave me out of every single thing. I never signed anything.

I never signed anything. That's hilarious

Haha seems to be there policy.

I didn't sign anything either. I just showed up to work like usual, clocked in and continued on like normal.

To:

(b) (6), (b) (7)(C)

I did know about the messed up tier system they are working now

(b) (6), (b) (7)(C)

I was just told about it I don't remember signing. And wasn't told about the boh getting anything until the whole (b) (6), (b) (7)(C) situation happened then I asked around and everyone said yes they make x amount of tips

(b) (6), (b) (7)(C)

It was supposed to be from just Take-out orders on toast, but that was a lot of work to figure out at the end of the day so it's just the whole pool. Again, unless that's been changed, we wouldn't know.

(b) (6), (b) (7)(C)

It is just on toast. Will type long ass message later when not slammed at work

Originally was not and was on all which is fucked

(b) (6), (b) (7)(C)

Haha

(b) (6), (b) (7)(C)

Got ya. Yeah I figured someone would know a little more than me.

(b) (6), (b) (7)(C)

Guys the fact that we don't all know what is going on is problematic enough. There needs to be a whole come to Jesus.

(b) (6), (b) (7)(C)

Woowwww...also, I love that we're always told to communicate with each other.

(b) (6), (b) (7)(C)

I don't wanna go to Jesus

(b) (6), (b) (7)(C)

Not (b) (6), Jesus...

(b) (6), (b) (7)(C)

Exactly

Lol

Team (b) (6), Balls

(b) (6), (b) (7)(C)

Loved "I don't wanna go to Jesus "

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Text Message



(b) (6), (b) (7)(C)

5 matches

(b) (6), (b) (7)(C)

9 matches

(b) (6), (b) (7)(C)

2 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

3 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

2 matches

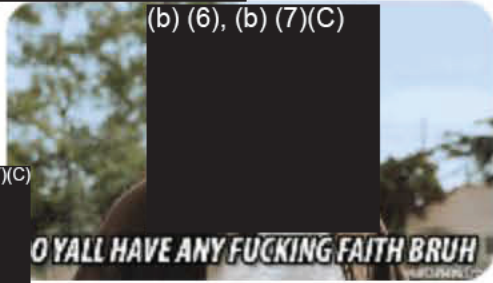
To: (b) (6), (b) (7)(C)

Details

(b) (6), (b) (7)(C)

Loved I don't wanna go to Jesus

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

I'm glad we have this group chat.

(b) (6), (b) (7)(C)

Emphasized "I'm glad we have this group chat."

(b) (6), (b) (7)(C)

Loved an image

(b) (6), (b) (7)(C)

I love (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I'm gonna be honest I only had (b) (6), (b) (7)(C) heater and (b) (6), (b) (7)(C) numbers saved but after a half an hour of looking through this thread I'm pretty sure I know who everyone is now lol

(b) (6), (b) (7)(C)

More work than I wanted to do

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 20, 9:02 PM

(b) (6), (b) (7)(C)

Yes same! Everyone sending their emails helped 😭 unfortunately i do remember signing the contract and it did say kitchen was going to get tips. (b) (6), (b) (7)(C) kept pestering me about it so I did sign it :(sorry for being so late to the game had a long day at work

(b) (6), (b) (7)(C)

I signed it as well and in hindsight it was sketchy and (b) (6), (b) (7)(C) felt bad.

(b) (6), (b) (7)(C)

Yeah i wish I didn't

(b) (6), (b) (7)(C)

🤔 how is it that others were pestered to sign and I was never even asked? Interesting...

(b) (6), (b) (7)(C)

That is intriguing indeed

(b) (6), (b) (7)(C)

Read it, said "who the hell came up with this as is making these changes" and (b) (6), (b) (7)(C) goes (b) (6), (b) (7)(C) maybe that's why I didn't have to sign 😭😭😭

(b) (6), (b) (7)(C)

Text Message

😊

Exhibit I

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5 matches

(b) (6), (b) (7)(C)

9 matches

(b) (6), (b) (7)(C)

2 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

3 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

2 matches

To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

🤔🤔 maybe!

(b) (6), (b) (7)(C)

Loved "Read it, said "who the hell came up with this as is making these changes" and (b) (6), (b) (7)(C) goes (b) (6), (b) (7)(C) maybe that's why I didn't have to sign 🤔🤔🤔"

(b) (6), (b) (7)(C)

That's verbal back hand is beautiful. (b) (6), (b) (7)(C) tested and (b) (6), (b) (7)(C) approved

(b) (6), (b) (7)(C)

So I just realized some of you are not old enough to understand that cereal reference. Also cereal is this stuff you put in a bowl and add milk it's excellent. Breakfast of champs

(b) (6), (b) (7)(C)

Agreed ❤️ we should've done this long ago!

(b) (6), (b) (7)(C)

(This will be several messages long) So. Once more than two people at a time worked at IBC after Covid the pool was briefly split evenly. Completely fucked as (b) (6), (b) (7)(C) said with 16 year olds walking in and making the same. That quickly passed and was then changed to the tiers system with kitchen getting .25 points on the pool. That is illegal

(b) (6), (b) (7)(C)

The point was raised by (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was going to be filing a complaint with Tompkins Dept of Labor. Fired. Completely wrong

(b) (6), (b) (7)(C)

For a pool to have kitchen included in NY, all members have to be paid regular minimum wage or higher. Not the tipped minimum wage. The illegal days were very few to my knowledge.

(b) (6), (b) (7)(C)

Our current system is legal, given my limited legal knowledge on it. Now, the kitchen is still tipped a small amount but can only be based upon toast orders. So they can't go over a certain \$ amount per day in tips based on Toast orders. It is quite a small amount. I believe that is because the tips from that are "service charges" and not "tips" in the eyes of the law.

(b) (6), (b) (7)(C)

Liked "(This will be several messages long) So. Once more than two people at a time worked at IBC after Covid the pool was briefly split evenly. Completely fucked as (b) (6), (b) (7)(C) said with 16 year olds walking in and making the same. That quickly passed and was then changed to the tiers system with kitchen getting .25 points on the pool. That is illegal"

(b) (6), (b) (7)(C)

Liked "The point was raised by (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was going to be filing a complaint with Tompkins Dept of Labor. Fired. Completely wrong"

(b) (6), (b) (7)(C)

Liked "For a pool to have kitchen included in NY, all members have to be paid regular minimum wage or higher. Not the tipped minimum wage. The illegal days were very few to my knowledge."

(b) (6), (b) (7)(C)

Liked an attachment

(b) (6), (b) (7)(C)

Thanks for clarifying, I figured someone knew more of how the system actually worked and it isn't really fucked, it just seemed to be initially.

(b) (6), (b) (7)(C)

I love this group chat! ❤️

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5 matches

(b) (6), (b) (7)(C)

9 matches

(b) (6), (b) (7)(C)

2 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

3 matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

1 match

(b) (6), (b) (7)(C)

Person matches

(b) (6), (b) (7)(C)

2 matches

To: (b) (6), (b) (7)(C)

Cassy

Details

(b) (6), (b) (7)(C)

Not sure on that last part but that's what I understand it to be, legal-wise. At the end of the day, the kitchen wages should be coming out of one person's pocket, the owner. This is a legal(I think) albeit a bit slimy, way to be able to provide a bit of extra \$ for them. And here we are.

(b) (6), (b) (7)(C)

Haha for sure. I'd be y'all's manager but I know better than that

(b) (6), (b) (7)(C)

Hahaha for real!

(b) (6), (b) (7)(C)

Lol

(b) (6), (b) (7)(C)

I'll stay (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) That's my new motto

(b) (6), (b) (7)(C)

https://www.reddit.com/r/aww/comments/iy5a1w/sea_doggo_slapping_her_belly_with_her_keeper/?utm_source=share&utm_medium=ios_app&utm_name=iossmf

(b) (6), (b) (7)(C)

I should try tapping my belly I read if my head

(b) (6), (b) (7)(C)

20, 6:42 PM

(b) (6), (b) (7)(C)

How's work been? Are we still operating as if nothing happened? Any word of the contract?? One on one meetings??

(b) (6), (b) (7)(C)

If course we are. That's how we roll here

(b) (6), (b) (7)(C)

20, 8:46 PM

(b) (6), (b) (7)(C)

No meetings and work is normal. Busy this weekend and training new people so it was relatively stress free with more help

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) told me the contract is still being worked on. I told (b) (6), (b) (7)(C) "behavioral contract" sounds almost cartoonishly distopean. Theoretically one is still coming. (b) (6), (b) (7)(C) is "copy pasting cdc reccomendations" for the most of it.

(b) (6), (b) (7)(C)

I bet we never see it

(b) (6), (b) (7)(C)

If they try to single us out to sign anything we'll just have to keep each other informed

(b) (6), (b) (7)(C)

Text Message

To: (b) (6), (b) (7)(C)

I bet we never see it

(b) (6), (b) (7)(C)

If they try to single us out to sign anything we'll just have to keep each other informed

(b) (6), (b) (7)(C)

My thought is they are hiring so many new people, there won't be enough hours for everyone soon. So if we aren't signing they will have a whole new staff, no need for us, and they probably think it's better that way so they can reinvent the business

(b) (6), (b) (7)(C)

Loved "My thought is they are hiring so many new people, there won't be enough hours for everyone soon. So if we aren't signing they will have a whole new staff, no need for us, and they probably think it's better that way so they can reinvent the business"

(b) (6), (b) (7)(C)

They are wrong lol but that's my belief as well

(b) (6), (b) (7)(C)

True true 👍

(b) (6), (b) (7)(C)

What are folks' thoughts on the shit?

(b) (6), (b) (7)(C)

Literally cannot think of a single purpose for the document

(b) (6), (b) (7)(C)

I'm with (b) (6), (b) (7)(C) its fucking stupid

(b) (6), (b) (7)(C)

Waste of time to make it, send it and read it

(b) (6), (b) (7)(C)

Yes yes

(b) (6), (b) (7)(C)

I loved it

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

20, 2:31 PM

Don't worry about that friends. They wouldn't do that to us. And I'd go to the Ithaca is a union/labor friendly town.

20, 9:18 AM

To me it reads like if we get Covid they can't be held liable. Which isn't necessarily a good thing to operate under capitalism. It doesn't make me feel safe, just insecure about my insecurities and paranoia

(b) (6),
(b) (7)(C) 20, 9:18 AM

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

& I would be happy to.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

It's all a joke

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

Liked "Someone needs to explain to (b) (6), (b) (7)(C) that changing the name from contract to compact doesn't undo the fact that they fired (b) (6), (b) (7)(C) which is one of the most significant reasons we don't trust, nor want to sign anything, no matter what you call it."

Liked "Someone needs to explain to [REDACTED] that changing the name from contract to compact doesn't undo the fact that they fired [REDACTED] which is one of the most significant reasons we don't trust, nor want to sign anything, no matter what you call it."

I've suggested meetings on numerous occasions regarding this as well as just regular meetings to keep everyone in the loop and to talk about it as a group to know what's going on. But never get a response back. So communication just isn't important to them.

They say they're going to have meetings but nothing is ever followed through on and the ball just gets dropped and they shrug their shoulders and say okay

They might be having meetings about having meetings. I doubt it's gotten any further than that.

Laughed at "They might be having meetings about having meetings. I doubt it's gotten any further than that"



Liked "They might be having meetings about having meetings. I doubt it's gotten any further than that"

It's all a joke

Laughed at "They might be having meetings about having meetings. I doubt it's gotten any further than that"

Does that mean we're having a meeting about them having a meeting about having a meeting?

A brief sit down to talk about others having meetings about meetings

First thing (b) (6), (b) (7)(C) said is we should all pat ourselves on the back for organizing and recognize what we accomplished together. The show of strength led to verbiage changes and a "compact" that is far less invasive than we imagined and almost certainly would have gotten if we didn't coagulate. (b) (6), (b) (7)(C) doesn't find anything contained to be fuckery but we should solidify what compact means legally. (b) (6), (b) (7)(C) is trying to dig that up now.

Exhibit J

Cornell

(b) (6), (b) (7)(C)

Fwd: W2 Form (b) (6), (b) (7)(C)

1 message

(b) (6), (b) (7)(C)
to: (b) (6), (b) (7)(C)

Mon, Nov 8, 2021 at 10:00 AM

This is a conversation about coming back in 2018.

Forwarded Conversation

Subject: W2 Form (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) >
Date: (b) (6), (b) (7)(C) 2018 at 2:24 PM
To: (b) (6), (b) (7)(C) @ithacabeer.com >

Hey (b) (6), (b) (7)(C)

Hi! I worked at Ithaca beer last year. I am writing to you because I never received my W2 in the mail. My address is (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)! Could you send it my way ASAP? Also I've been meaning to write you about this (b) (6), (b) (7)(C) because I plan to be back in Ithaca. I had discussed coming back to IBC with (b) (6), (b) (7)(C) before (b) (6), (b) (7)(C) left. Thank you, looking forward to hearing from you.

All the best

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) @ithacabeer.com >
Date: (b) (6), (b) (7)(C) 2018 at 10:27 AM
To: (b) (6), (b) (7)(C)

Hey (b) (6), (b) (7)(C) forgot to email you back yesterday but a copy of the W2 was mailed out yesterday. We had a (b) (6), (b) (7)(C) address on file so that's where the first one went.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Date: (b) (6), (b) (7)(C) 2018 at 1:48 PM
To: (b) (6), (b) (7)(C) @ithacabeer.com >

(b) (6), (b) (7)(C)

Thank you for sending me the W2 so quickly (b) (6), (b) (7)(C) I appreciate that! Any word on coming back this (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) @ithacabeer.com >
Date: (b) (6), (b) (7)(C) 2018 at 3:29 PM
To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Hey (b) (6), (b) (7)(C) I asked around and everyone had great things to say so you are all set to come back. How early in my can I have you?

Thanks,

From: (b) (6), (b) (7)(C)
Date: (b) (6), (b) (7)(C) 2018 at 8:03 AM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@ithacabeer.com>

Hi (b) (6), (b) (7)(C)

I apologize for not getting back to you sooner. I was trying to figure out my (b) (6), (b) (7)(C) schedule. I'll be moving back the (b) (6), (b) (7)(C) and can work ASAP after that. Whenever you need me. Maybe the week after because I understand that's a hectic part of the year. It's up to you, just let me know. I'm glad to hear people had nice things to say, I genuinely like/admire all of the people I used to work with at Ithaca beer. I hear it's mostly the same crew.

All the best

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@ithacabeer.com>
Date: (b) (6), (b) (7)(C) 2018 at 2:01 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Hey (b) (6), (b) (7)(C)

I'll get you setup into our schedulebase program for online scheduling. When you get a chance if you could activate your profile that would be great. Also, do you have availability to work (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) after you come back? It is (b) (6), (b) (7)(C) Let me know.

Thanks,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Ithaca Beer Co.
O (b) (6), (b) (7)(C)
C (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Date: (b) (6), (b) (7)(C) 2018 at 2:49 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@ithacabeer.com>

Hey (b) (6), (b) (7)(C)

I'm available immediately! Especially if it's (b) (6), (b) (7)(C). I know you'll need all the help you can get. I'm free (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C).

All the best

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@ithacabeer.com>
Date: Thu, May 10, 2018 at 11:30 AM
To: (b) (6), (b) (7)(C)

Perfect, thanks!

From: (b) (6), (b) (7)(C)
Date: (b) (6), (b) (7)(C) 2018 at 11:46 AM
To: (b) (6), (b) (7)(C) @ithacabeer.com>

Hi (b) (6), (b) (7)(C)

I'll join the scheduling software you sent me a link to today. I wanted to email as well. It turns out I had my dates confused and I will be moving on the (b) (6), (b) (7)(C) and therefore won't be able to work that day. I am still available (b) (6), (b) (7)(C). I apologize for the last minute notice.

All the best

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) @ithacabeer.com>
Date: Mon, May 21, 2018 at 5:35 PM
To: (b) (6), (b) (7)(C)

No worries we will see you (b) (6), (b) (7)(C) then.

Thanks,

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

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Telephone: (716)551-4931
Fax: (716)551-4972

November 15, 2021

Paul E. Wagner, Esq.
Stokes Wagner
903 Hanshaw Road
Ithaca, NY 14850

Ithaca Beer Co.
Case 03-CA-285388

Dear Mr. Wagner:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Nancy Wilson

NANCY WILSON
Acting Regional Director

cc:

(b) (6), (b) (7)(C)

Ithaca Beer Co.
122 Ithaca Beer Drive
Ithaca, NY 14850

(b) (6), (b) (7)(C)

Angela B. Cornell, Clinical Professor of
Law
Cornell Labor Law Clinic
Cornell University Labor Law Clinic
Myron Taylor Hall
Ithaca, NY 14853

Case Name: Ithaca Beer Co.
Case No.: 03-CA-285388
Agent: Field Examiner THOMAS A. MILLER

CASEHANDLING LOG

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